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**SUBJECT:** Internal Investigation

**CASE NO:** II-2015-0004-43253

**DATE/TIME THIS REPORT:** Friday, March 6, 2015 at 1632 hours

**REPORT SUBMITTED BY:** Sergeant Tracy Scherer #1408 *TS 1408*

This is an interview with Officer Nicole Geyza #2077 of the "C" Shift Uniform Patrol Bureau.

TS: Officer Geyza, you have been summoned to the Internal Affairs Unit as a witness only. Because of this it is not necessary to give you 24 hour notice. In addition, you are not given the right of union representation. Do you understand this?

NG: Yes.

TS: If at this point or any point during the interview you feel that your statements or answers may implicate you, you may request that the interview be terminated and that the protections afforded to you under the Police Officers Bill of Rights be invoked. Is that clear?

NG: Yes.

TS: Are you aware that I'm recording this interview?

NG: Yes.

TS: Are you making any attempts to record this interview yourself?

NG: No.

TS: Do you have any recording devices on you?

NG: My phone.

TS: Your phone? Is it recording at this time?

NG: No. No.

TS: Turn it off.

OMAHA POLICE DEPARTMENT  
INTERNAL INFORMATION

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2

NG: If I have to.

TS: Okay. This incident occurred on February 23<sup>rd</sup>, 2015 at approximately 1830 hours. Will you describe to me what occurred?

NG: The whole incident?

TS: Yeah, the whole incident.

NG: Um, well I received a call of a robbery that had just occurred. And as we were going to the scene, uh, another unit – I don't know what they were that night – um, said they were on the scene. And then a few minutes later, a few seconds I would say, they stated they had a party at gunpoint. We then expedited from 13<sup>th</sup> and Martha 'ta their location. Um, we then all got, me and my partner got out of the car, we pulled our guns, told him, I told him numerous times 'ta put his hands up. At that point Officer Lugod asked me, asked, uh, if we had a taser. I did, so I came to the location closer 'ta Lugod or closer to the suspect. I drew my taser, um, deployed it, and it was ineffective. At that point I went to switch back to my gun and then shots were... um...

TS: Fired?

NG: Fired, yeah.

TS: Okay. Um (clears throat). Was the robbery... so you got a call of a robbery?

NG: We got called to a robbery at, yeah, the Dollar Store.

TS: Family Dollar?

NG: Family Dollar.

TS: Were you... was it your call, were you the primary car...

NG: Yes.

TS: ... who was dispatched to that?

NG: Yes.



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INTERNAL INFORMATION**

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3

TS: Do you remember the details of that dispatch, what radio said?

NG: I just remember it being a white male in a dark jacket.

TS: Okay. Um, do you remember if radio had said that it was an armed robbery? Were there any weapons involved? Was there anything specified along those lines?

NG: Uh, I don't remember any, uh, any weapons being mentioned. I do remember them saying the suspect left northbound on foot.

TS: Okay. And were you given a description of the suspect?

NG: All I remember is a white male with a dark jacket.

TS: Okay; um, and so Officer Lugod arrived at the area before you?

NG: Him and Bornhoft arrived, yeah.

TS: Okay.

NG: They said they were on call, so we thought they were at...

TS: Family Dollar?

NG: ... the Dollar.

TS: Okay. Um, but then you realized they weren't?

NG: Well, yeah. They got on the radio a few seconds later and said they had one party at gunpoint.

TS: Okay.

NG: And we were at 13<sup>th</sup> and Martha at that time. We could see their lights...

TS: Okay.

NG: ... down the street.

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INTERNAL INFORMATION**

**FOR THE CONFIDENTIAL USE OF THE CHIEF OF POLICE ONLY**

4

TS: Um, so then where did you locate them?

NG: The Sports Car Garage just north of Family Dollar.

TS: Okay. Um, and when you arrived on the scene, on the scene, (clears throat) do you see the suspect?

NG: Yes.

TS: What do you see?

NG: Um. Well, I see Bornhoft... has the suspect, pointin' a gun at the suspect. He's in the, the corner of this parking lot in front of a car.

TS: Okay. The suspect's on the ground?

NG: He's standing right in front of the car. Immediately he gets... at some point - I don't, I don't remember at what point - but he gets on top of the hood of that car.

TS: Okay. I, I saw the scene that night.

NG: Uh huh.

TS: Um, I have seen pictures of the scene, all of that.

NG: Mm hmm.

TS: And I have seen the video. So I'm aware when you're talking about the Sports Car Garage.

NG: Mm hmm.

TS: And then there's a small green car.

NG: Yes.

TS: And then there's like a black SUV with them.

NG: Yeah.

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INTERNAL INFORMATION

FOR THE CONFIDENTIAL USE OF THE CHIEF OF POLICE ONLY

5

TS: Where... In front of which car is the suspect?

NG: He was in front of the green car.

TS: Okay. So he, is he in-between the front of that green car and the fence on the ground?

NG: Yes.

TS: Okay. Um, can you see his whole body?

NG: I mean, pretty much from his waist up. I could...

TS: From his waist up?

NG: When we pulled up because of the SUV.

TS: Okay. Were you driving that cruiser that night?

NG: Yes.

TS: Okay. Um, and you get out, you can see the suspect, um, from the waist up. What's being said at that time?

NG: Um, they're telling him to put his hands up. Lugod's giving commands.

TS: Okay.

NG: Show, you know, put his hands up.

TS: And... what's goin' through your mind? What are you thinking at that point?

NG: Well, well, uh, we don't know if he's armed yet.

TS: Okay.

NG: I mean he's possible suspect of this robbery. I mean, right away he pretty much says he has a gun.

TS: Okay.



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INTERNAL INFORMATION

FOR THE CONFIDENTIAL USE OF THE CHIEF OF POLICE ONLY

6

NG: Consider it...

TS: How does he say that?

NG: He says, "I have a gun, have a gun." And he reaches for his waistband, his right hand. But we never see anything, but he reaches toward his waistband. He has a big coat on so you can see his hand...

TS: Mm hmm.

NG: ... partial see his hand. But you can't see if he's actually grabbing for something or there is something in his waistband.

TS: Okay. When he says he has a gun...

NG: Mm hmm.

TS: ... and you can see his, his, he puts his hand in his waistband what's goin' through your mind, what are you thinking at that point?

NG: I'm waitin' for him to pull a weapon...

TS: Okay.

NG: ... and shoot him.

TS: Okay. Um, did you think that you would shoot him if you *didn't* see a weapon? Or are - are you thinking that you're...? I want 'ta know what kind of threat you think this guy is.

NG: Um. Um, the way that he was very nervous and...

TS: The, the suspect's nervous?

NG: Yeah; I mean, he was very, he was movin'... very irrat, you know, irrational. It seemed like... I... oh!

TS: Were you afraid that you were gonna get shot that night?

NG: Yeah, I was fear for our life for what he was sayin'.

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INTERNAL INFORMATION

FOR THE CONFIDENTIAL USE OF THE CHIEF OF POLICE ONLY

7

TS: Mm hmm.

NG: And him sayin', 'cause we didn't know if he had a gun or not.

TS: Okay.

NG: I mean, he kept saying I have a gun. So at that point it's like... he could possibly shoot all of us.

TS: Okay. Um; why wait then?

NG: Um, I'm just wait... waitin' for him, to see something...

TS: Okay.

NG: ... out of his waistband.

TS: Okay. So he reaches for his waistband. You were waiting and you don't see anything. Then what happens?

NG: Uh, Lugod asked for a taser.

TS: Okay.

NG: So at that point I, I have one at the scene so I transition to my taser and change my location so I have a better point at the suspect.

TS: Okay. Before... so the suspect says he has a gun?

NG: Mm hmm.

TS: And he's reaching in his waistband?

NG: Mm hmm.

TS: And *before* Lugod asks for a taser, did the suspect pull his hand out, or is the suspect still reaching and you're switching to a taser?

NG: I don't...

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INTERNAL INFORMATION**

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8

TS: Do you remember?

NG: ... remember.

TS: Okay. If you're afraid that he has a gun...

NG: Mm hmm.

TS: ... would you have switched to your taser before knowing whether or not he had a gun when he pulled his hand out from his waist?

NG: If he had a gun?

TS: Yes.

NG: If I would 'a seen one?

TS: Yes.

NG: I would not have switched to my taser.

TS: N, No. I guess what I mean is... would you have waited for him to be able to see his hands before you switched to the taser?

NG: Yes.

TS: Okay. So, is it... I don't want 'ta assume, I don't want 'ta put words in your mouth.

NG: (mumbles) It happened so fast.

TS: Do you remember? I know. And... I mean do you remember at the scene...

NG: Mm hmm.

TS: And you're looking at it and you're thinking that he has, he might have a gun because he's told you he has a gun...

NG: Mm hmm.

TS: ... and he reaches in his waistband.



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INTERNAL INFORMATION

FOR THE CONFIDENTIAL USE OF THE CHIEF OF POLICE ONLY

9

NG: Mm hmm.

TS: Do you remember if you saw both hands before Lugod asks for a taser?

NG: Not that I know of.

TS: You don't remember? Okay.

NG: Hm mm.

TS: That's fine. Um, and so then... um, Officer Lugod asks you for a taser.

NG: Mm hmm.

TS: And then what do you do?

NG: Um, like I said, I changed locations so I have a better view or closer to the suspect. Um. I remember seein' both hands now when I tased him, when I changed to that location.

TS: Okay.

NG: Um, and then I deployed it and it didn't work, and he was, like, grabbing at the wires, like trying to get 'em off of him.

TS: Okay.

NG: And at that point I, I stepped back behind the black car.

TS: The SUV?

NG: Yeah; so I could have some concealment while I changed back to my gun, 'cause I knew that the taser didn't work.

TS: Okay. When you switched from your handgun to the taser...

NG: Mm hmm.

TS: ... and you come around the SUV, where is the suspect at?

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INTERNAL INFORMATION

FOR THE CONFIDENTIAL USE OF THE CHIEF OF POLICE ONLY

10

NG: He is... he was facing me exactly.

TS: Do you know if he's on the ground in front of the car?

NG: No, he's on top of the car.

TS: He's on top of the green car?

NG: The green car.

TS: The green car. Um, on the hood, on the roof; which way?

NG: Right on the hood.

TS: On the hood. Um, and then you come around the SUV. Do you know where Officer Lugod is standing at that point?

NG: He is to my, my left.

TS: Okay. Um, the Sports Car Garage is there.

NG: Mm hmm.

TS: The building. And then the green car; is he...

NG: He's, like...

TS: ... taking cover or?

NG: The building and the, between the building and the green car.

TS: Between the two?

NG: Yeah, 'cause then I took in-between the other two cars.

TS: Okay. So you take up. Are you using the, the, the black SUV as cover at all?

NG: Yes.

TS: Okay. So I'm, you're on the corner of the black SUV?

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INTERNAL INFORMATION

FOR THE CONFIDENTIAL USE OF THE CHIEF OF POLICE ONLY

11

NG: Yes.

TS: When you tased this person?

NG: Mm hmm.

TS: Um, you said that you saw both of his hands when you tased him?

NG: Mm hmm.

TS: Um, at the point that you tase him, or that you're pointing the taser at him, are you, you're giving him commands, what are you telling him?

NG: **I said nothing (barely audible 10:55).**

TS: Are you saying anything, or do you remember anybody saying anything?

NG: I just remember Lugod kept giving him commands.

TS: Okay.

NG: 'Cause I remember at one point he's like, "Don't, don't make me do this!"

TS: Okay.

NG: I remember that exactly, but, um.

TS: Okay. Do you remember if after Officer Lugod asks you for a taser at any point did he say, "Go ahead and tase him?"

NG: I remember...

TS: Did he give you anymore instructions?

NG: I remember lookin' at him; I said, "You ready?" and he said, "Yes," and I tased him.

TS: Okay. So you and him have a little bit of a...

NG: Yeah.



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INTERNAL INFORMATION

FOR THE CONFIDENTIAL USE OF THE CHIEF OF POLICE ONLY

12

TS: ... contact whether there's eye contact or not?

NG: After I tased him I looked and I said, "It didn't work," and that's when I dropped the cartridge and stepped behind the car.

TS: Okay.

NG: 'Ta switch out.

TS: Um, okay. So you tase him.

NG: Mm hmm.

TS: Do you announce "taser" before you taser him?

NG: I don't remember.

TS: Okay. Um, and then do you remember the suspect's reactions when you...

NG: I...

TS: ... fire the taser?

NG: He was movin' his arms really erratically, like trying to get the wires off of him.

TS: Okay. Um, does, does the taser... does the taser hit him? Did its probes at all hit him?

NG: Um, one in his leg.

TS: Okay. Did it cause him, uh, any...

NG: Nothing.

TS: ... did it have any? Nothing?

NG: No.

TS: Okay. Um. The, the taser makes like a snapping sound.

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INTERNAL INFORMATION

FOR THE CONFIDENTIAL USE OF THE CHIEF OF POLICE ONLY

13

NG: Mm hmm.

TS: Did it make a snapping? I know it makes a pop when it goes off.

NG: Yeah.

TS: Did it make a snapping sound at all when it...

NG: I believe so.

TS: ... connected with him?

NG: Mean like when you char... yeah, when you hit the trigger?

TS: Yeah.

NG: Yeah.

TS: Okay. You think it did...

NG: Mm hmm.

TS: ... snap?

NG: But he didn't seem to have any effect...

TS: Okay.

NG: ... from it at all.

TS: Um, and then... I'm sorry, just one step back.

NG: Okay.

TS: When you went to tase him is he facing you full-on? Is...

NG: Mm hmm.

TS: Okay. So, he's not facing to the side; he's facing you and Lugod.

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INTERNAL INFORMATION

FOR THE CONFIDENTIAL USE OF THE CHIEF OF POLICE ONLY

14

NG: He's facing, yeah.

TS: Okay.

NG: He's facing me directly.

TS: Okay. And then when you taser him what does he? He, you said that he's kind of reaching. What does he do? Do you remember?

NG: I just remember him, like, tryin' to pull the wires off.

TS: Okay.

NG: Very irratically. Really fast; his hands were moving very fast.

TS: And that's when you stepped back to transition to your weapon?

NG: Yeah. 'Cause I looked at Lugod and I said, "It didn't work," and I stepped real quick 'cause I knew I, I was weaponless at that time.

TS: And so what did you think at that point? Now what are you gonna have to do?

NG: I'm gonna pull my gun because now we've eliminated our other source.

TS: Okay.

NG: The fear that you know he could... he still has that weapon. We don't know. He could shoot us.

TS: Okay.

NG: **(Unclear 13:41).**

TS: Um. Did you... did you think at that point that you were just going to come around and shoot him? Are you gonna still wait on him? What are you gonna do at this point?

NG: I just knew I had to get some kind. I knew I had to draw my weapon...

TS: You...



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INTERNAL INFORMATION

FOR THE CONFIDENTIAL USE OF THE CHIEF OF POLICE ONLY

15

NG: ... for my safety.

TS: To protect yourself.

NG: And the other officers there.

TS: Okay. I know it didn't happen, but what would you have done had he just jumped over the fence and ran? What would have been the next course of action?

NG: I'd have to set up some kind of perimeter 'cause that was extremely dark behind there. I didn't know where that, um, went to, if it was dead-end or not.

TS: Okay. Umm, but at some point you hear shots fired?

NG: Mm hmm.

TS: Where are you when the shots are fired?

NG: Behind the black car.

TS: Okay. So you don't see? Last thing you know - correct me if I'm wrong - the last thing you know the suspect is pulling wires off?

NG: Mm hmm.

TS: And then the next thing you know shots are fired. So you can't see what happened between the time...

NG: No.

TS: Okay. So you don't know what he did in that...

NG: No.

TS: ... in that span of time? Okay. Did you ever see a weapon?

NG: No.

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INTERNAL INFORMATION

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16

TS: Did you, other than him stating he had a weapon, did you ever think he had a weapon? Was there a reason for you to think that, other than the suspect saying that?

NG: Um, possibly, 'cause there was just a robbery. I don't, you know, they didn't say a weapon was used, but a lot of times a weapon is used in a robbery.

TS: Okay. Uh, did Officer Lugod or Officer Bornhoft ever communicate to you that there was a weapon there?

NG: No.

TS: Okay. Um, so pretty much it was just off your observations...

NG: Yeah.

TS: ... when you're there and what you're thinking because of the call?

NG: And I remember him saying, "I have a gun, I have a gun."

TS: Okay (clears throat). You're, do you... how familiar are you with the Use of Force Policy?

NG: Um, started reading it again. Last night... uh, some, um, kind 'a.

TS: Okay. And, um, when did you take your taser class? Do you remember?

NG: It's been a few years.

TS: Okay. Do you regularly carry a taser?

NG: Mm hmm.

TS: Okay. If you're in a deadly force situation...

NG: Mm hmm.

TS: ... and somebody you believe has a weapon, um, is it trained, is it training that you go to a taser, or would you use a taser in that situation?

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INTERNAL INFORMATION

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17

NG: (Unclear 16:26)

TS: If I believe the guy has a weapon and it's a lethal force situation?

NG: Normally, no.

TS: Okay.

NG: 'Cause... it's not... 'cause that's a non-lethal.

TS: The taser's non-lethal?

NG: Yeah.

TS: Okay. Do you remember? I'm not taser certified.

NG: Okay.

TS: And I can, I can find out the information. But do you remember, when you are trained, is there anything in the training that talks about using a taser for a lethal force situation?

NG: When we were trained?

TS: When you were trained or any of the... I know, did you take the re-certification test...

NG: Mm hmm.

TS: ... just recent. There was one like the end of last year.

NG: Yeah.

TS: I think. Did you take that?

NG: Yes.

TS: Do you know if there was *anything* that was covered in that? Do you remember any, any time over your career are you ever told - or in this training - are you ever talked about lethal force versus using a taser?



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INTERNAL INFORMATION

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18

NG: I don't know.

TS: Well, if you can't remember...

NG: Yeah.

TS: ... you can't remember. Okay. Um, but, if you're in a situation that you're faced with lethal force...

NG: Mm hmm.

TS: ... are you gonna use your taser?

NG: Not normally. I felt, though, that since the other three officers had him at gunpoint it was okay for me to go to that taser and try 'ta, you know, use that before, you know, steppin' up and.

TS: Because they're gonna cover you?

NG: Yes.

TS: Okay. But... but you're still believing that he has some type of weapon?

NG: Yes.

TS: Because he's told you he had a weapon?

NG: Mm hmm.

TS: Okay. Um, after the incident did you... what happened after the shots are fired?

NG: Um. Well then I stepped back out from the car and he's, uh, he's laying on top of the car hood.

TS: Okay.

NG: At that time other officers arrived. Um, I remember Andersen saying, "Cover me while I go handcuff him."

TS: Okay.

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INTERNAL INFORMATION

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19

NG: And I know him and Patty went and handcuffed him and I stood by and covered until he was in handcuffs, and then I just stepped back and everyone else was tending to him.

TS: Okay. Do you remember if any statements are made, um, after the shots are fired? Does anybody say anything?

NG: I just remember Andersen saying, "Shots fired!"

TS: Okay.

NG: 'Cause that's what brought me out of my tunnel vision.

TS: Okay. So you had kind of a tunnel vision?

NG: Yeah.

TS: Do you remember when your tunnel vision started?

NG: No.

TS: Okay.

NG: But I remember that point, he's sayin', "Shots fired," and I was like, "Whoa! There's a lot more people here," and the scene just, um, like my peripheral vision, view's... view is like opened and I was like, "Whoa! There's a lot more people here now."

TS: Okay. Um, did you have auditory exclusion? Do you know? You, you heard the shots fired?

NG: Yeah. They were very slow motioned to me, though.

TS: Okay.

NG: So it was... that was all slow motion. Like me switchin' back to my taser to my gun; it just seemed like it was so slow.

TS: Okay (clears throat). And do you... shots are fired.

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INTERNAL INFORMATION

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20

NG: Mm hmm.

TS: And then, it sounds to me like the shots are fired, and then there's like this lapse, and then you hear Andersen saying, "Shots fired," on the radio?

NG: Mm hmm.

TS: You, do you remember *anything* in-between there as far as anybody saying anything, Lugod making any statements, anybody? Or was that...

NG: I...

TS: ... kind 'a just like a...

NG: I don't remember anything after I told laser, or I told Lugod that the taser didn't work.

TS: Okay, okay. Um, do you know when Andersen, I believe Andersen was riding with Martin that night? Do you know when they arrived?

NG: No.

TS: Okay. So that's not part of... you, you don't remember them coming on-call or...

NG: No.

TS: ... If they said anything or did anything, or anything like that?

NG: No.

TS: Okay.

NG: Until they said, until he says shots are fired.

TS: Okay. Um.

NG: Um, I mean it was pretty quick after.

TS: Okay. Have you seen any news stories or watched any video from this incident at all?



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INTERNAL INFORMATION

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21

NG: News stories, no video.

TS: Okay. Um, do you have any opinions or anything that you want 'ta add that you thought of after the incident at all? Do you remember...

NG: Mm.

TS: Do you remember, you know, other people standing around or any other conversations that are important to this? I mean, we've covered quite a bit of it. I just want to make sure that we're not leaving anything out.

NG: I don't think so.

TS: Okay, okay. Um, anything else that you want to add to this at all?

NG: No, no.

TS: Okay. There is a possibility, um, because this is such an important case...

NG: Mm hmm.

TS: ... uh, that you could be called up again. Um.

NG: Okay.

TS: Uh, I guess the most important thing I want you to know is that if you're, if you're called up here and, you know, I ask you to come up here, if you're not, uh, you're not in any trouble unless I give you something, you know, saying okay, we're gonna be looking at these violations or whatever. So you're not in...

NG: Okay.

TS: ... you're not looking at, you know, anything from this. Okay?

NG: Okay.

TS: So I want 'a...

NG: Mm.

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INTERNAL INFORMATION

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22

TS: You, you just... I know it's nervous comin' up here...

NG: (Unclear 22:12).

TS: ... and talking about that whole thing. Um, I just want you to understand that, you know, when we call somebody up and you're a witness officer...

NG: Mm hmm.

TS: ... um, that we're not... I'm not looking for things that you did wrong.

NG: Yeah.

TS: I'm looking at the whole incident.

NG: Mm hmm.

TS: Okay? Um, and that's all I'm trying to do is piece together what everybody was thinking and doing and saying.

NG: It went so fast.

TS: And it, and it, and it did.

NG: Okay.

TS: I know it happened fast for you, and it happens fast on the tape, and so that's why some of this could get missed. And it could be that we call you back in and say we, what about this one?

NG: Mm.

TS: And, um, so I just want 'a make that we get everything 'cause it's a, it's a big incident. Okay?

NG: Oh yeah.

TS: Alright. Um, I'm gonna go ahead and end this interview at 1654 hours.

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**23**

**END OF REPORT**

TS/ns